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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,796	09/08/2000	Philippe Patrice	032326-083	6700

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/623,796

Applicant(s)

PATRICE, PHILIPPE

Examiner

Minh Trinh

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

The Appeal Brief filed on 23 January 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



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Patent Examiner Group 3729


Re. item 2: The statement of status of claims contained in the brief is incomplete, for example the status of the claims on appeal that were incorrectly listed in the brief. It is also not known whether the rejected claims 1-3 and 8 are also being appealed (note that there is no allowed claim).

Re. item 3, The brief does not clearly recite that the exact date of any after final amendment denied entry. For example: "no final amendment has been entered".

Re. item 4: a summary explanation of the claimed invention" in relating to the specification by page, line number, and to the drawing. The summary of the invention is deficient because it is not comply with MPEP § 1206 inasmuch it is anything but a concise explanation of the invention, which is defined by the claims involved in the appeal. "Concise" as defined by Webster's New Dictionary, 3rd College Edition (1998) means short and clear i.e. brief and to the point. (It is noted that the Summary of the invention is too long and is not directed to the subject matter as represented in the rejected claims 1-8. Also, independent claim 1 in combination with other limitations of other claims only 5 lines long and the summary of these subject matter is about two pages. For the above reasons, the summary of the invention is deficient. Furthermore, note that: provide numeral references to the claimed limitations as well as support in the disclosure (i.e., page and line numbers and drawing references associated thereof) for better clarity is suggested.

Re. item 5: The statement of the issues in the brief is incorrect, refer to the discussion of items 2-3. It is noted that the after final Amendment has not been entered therefore the identification of issues which is non applicable subject matter, and should be petitioned rather than appealing.

Re. item 6: There are at least three ground rejections and are not clearly represented in the brief. It is also not agreed that the appeal claims each present separate issues of patentability. Noted that all claims are being rejected at least by a single prior art reference and/or combination. For above reasons, the grouping of claims in the brief is not agreed by the examiner.



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